



Appeal Decision

Site visit made on 7 November 2017

by **C Cresswell BSc (Hons) MA MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 November 2017

Appeal Ref: APP/D0840/W/17/3178439

The Cormorant Hotel, Golant, Fowey PL23 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Mary Tozer against the decision of Cornwall Council.
 - The application Ref PA16/07360, dated 20 July 2016, was refused by notice dated 23 December 2016.
 - The development proposed is re-development of the hotel and swimming pool into a maximum of 12 three bedroom homes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved and I have determined the appeal on that basis.
3. The appellant has indicated a willingness to modify the boundaries of the appeal site and reduce the maximum number of dwellings from 12 to 9. However, this is materially different to the proposal that was originally considered by the Council. If I were to determine the appeal on the basis of the suggested changes, there would be a risk that parties wishing to comment on the modified development would be deprived of the opportunity to do so. In the interests of fairness, I have therefore based my decision on the development as it was originally proposed.

Main Issues

4. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the Area of Outstanding Natural Beauty (AONB).
 - whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

5. The appeal relates to an existing hotel, including its outbuildings and car park. It is situated on elevated land overlooking the Fowey estuary, on the edge of the small village of Golant. The surrounding landscape is mainly agricultural in

- nature and is highly picturesque, with large swathes of woodland present along the banks of the river. Due to this scenic quality, the site and surroundings are designated as an Area of Outstanding Natural Beauty (AONB). According to the National Planning Policy Framework (the Framework) such landscapes have the highest status of protection and great weight must be given to conserving scenic beauty within them.
6. Because of its positioning on a steep hillside, the appeal site is not easily visible from many parts of Golant. However, it is more visually exposed from the river, which is well used for recreational purposes. From this perspective, the site is in a relatively prominent location on the hillside. Although the hotel is a reasonably large building, the car park and gardens give the site a mostly open and spacious appearance. Alongside the surrounding trees and vegetation, the overall appearance of the site is therefore in keeping with its rural setting on the edge of a small village.
 7. It is proposed to redevelop the site to accommodate up to twelve residential units which are described in the application as three bedroom houses. The indicative layout shows that two of the proposed units would be accommodated in the existing hotel building. Given that this would not involve the construction of any new buildings, this aspect of the proposal would be unlikely to change the appearance of the site to any great extent. However, the indicative plan also shows that ten new units would be built on the existing car park, garden and swimming pool building (which would be demolished). Although the appellant argues that the impact of the proposal would be limited as the site is previously developed, the construction of new buildings on an open car park would clearly change the characteristics of the site.
 8. I am conscious that the application was made in outline with all matters reserved for future determination. Therefore the eventual design and layout would not necessarily reflect the indicative plan. Nonetheless, the practicalities of accommodating the proposed number of three bedroom houses within the physical confines of the appeal site suggest that a relatively high density of development would be necessary. Indeed, given the long and narrow proportions of the site, a row of units similar to that shown on the indicative plan seems a realistic prospect. This shows development extending across the whole width of the site, with the Design and Access Statement suggesting that each dwelling may be three storeys in height. It would present an almost continuous built up frontage to the river. Such a scheme would be highly conspicuous and result in a pattern of development that would not be particularly characteristic of the area.
 9. It seems to me that a housing scheme of the density proposed would result in the site assuming an urbanised appearance that would be at odds with its rural setting on the edge of a village. While the proposal would not necessarily involve the removal of any trees, any new development constructed to the south of the existing hotel building would be clearly visible from the river. The overall effect would be to erode the scenic beauty of the AONB in this location, which is distinguished by its open, verdant and rural qualities.
 10. I recognise the appellant's point that the visual impact of the scheme could be mitigated through careful design. However, I have reached my decision on the strength of the evidence presented in this appeal, which does not convincingly demonstrate that the site could be developed at the intended density without

harming the character and appearance of the area. The proposal must be considered against the background of the Framework and Policy 23 of the Cornwall Local Plan (the Local Plan) which both indicate that 'great weight' should be given to conserving scenic beauty within the AONB. In recognition of this, the proposal requires an appropriately high level of scrutiny.

11. I therefore conclude on this issue that the proposal would harm the character and appearance of the AONB.

Affordable Housing

12. Policy 8 of the Local Plan states that developments of more than five dwellings within the AONB are required to contribute towards meeting affordable housing need. I understand that the site falls within zone 1 where the target level of affordable housing provision is 50%. The policy makes it clear that the exact nature of any contribution will vary through negotiation and shall take into account evidence of housing need and any viability constraints. Little evidence has been put forward to indicate that an affordable housing contribution would result in the development becoming unviable. It therefore seems to me that a contribution would be necessary, especially given the extent of local need identified by the Council.
13. Although Policy 8 indicates that planning obligations will be used to ensure that affordable housing is provided, the appellant argues that a condition could be applied in this particular case. The National Planning Practice Guidance advises that *in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk*. There is little to suggest that these exceptional circumstances apply to the current proposal and hence I consider that a planning condition would not be an appropriate mechanism to secure an affordable housing contribution in this case.
14. I therefore conclude on this issue that the proposal would not make adequate provision for affordable housing. The evidence before me indicates that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122 of the CIL Regulations 2010. The proposal would fail to secure these contributions and so would be in conflict with Policy 8 of the Local Plan.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR